

STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

DEC 29 2003

HARFORD COUNTY COUNCIL

Case No. 5396Date Filed 12/22/03

Hearing Date _____

Receipt _____

Fee \$450-

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code

CASE 5396 MAP 42 TYPE Variance

☐ Administrative Decision/Interpretation☐ Special Exception☐ Use Variance☐ Change/Extension of Non-Conforming☐ Minor Area Variance☒ Area Variance☐ Variance from Requirements of the C☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 3 LOCATION 303 Rhineforte Drive, Churchville, Md. 21028

BY Scot M. and Patricia D. Kaufman

Appealed because a variance pursuant to Section 267-35B, Table III of the Harford County Code

to allow an existing garage to be attached to the dwelling thereby reducing the 15 foot side yard setback

to 5 foot in an RR District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Scot M. Kaufman

Phone Number _____

Address 303 Rhineforte Drive

Churchville

MD

21028

Street Number

Street

City

State

Zip Code

Co-Applicant Patricia D. Kaufman

Phone Number _____

Address 303 Rhineforte Drive

Churchville

MD

21028

Street Number

Street

City

State

Zip Code

Contract Purchaser _____

Phone Number _____

Address _____

Street Number

Street

City

State

Zip Code

Attorney/Representative Robert S. Lynch, EsquirePhone Number (410) 879-2222Stark and Keenan, P.A.Address 30 Office Street,

Bel Air

MD

21014

Street Number

Street

City

State

Zip Code

Hearing: 2/11/04

Rev. 12/00

Land Description

Address and Location of Property 303 Rhineforte Drive

Churchville, MD 21028

Subdivision _____ Lot Number 136

Acreage/Lot Size 1.10 Election District 3 Zoning RR

Tax Map No. 42 Grid No. 2C Parcel 487 Water/Sewer: Private X Public _____

List ALL structures on property and current use: House and free-standing garage

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes _____ No X

Request

See Attached

Justification

See Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

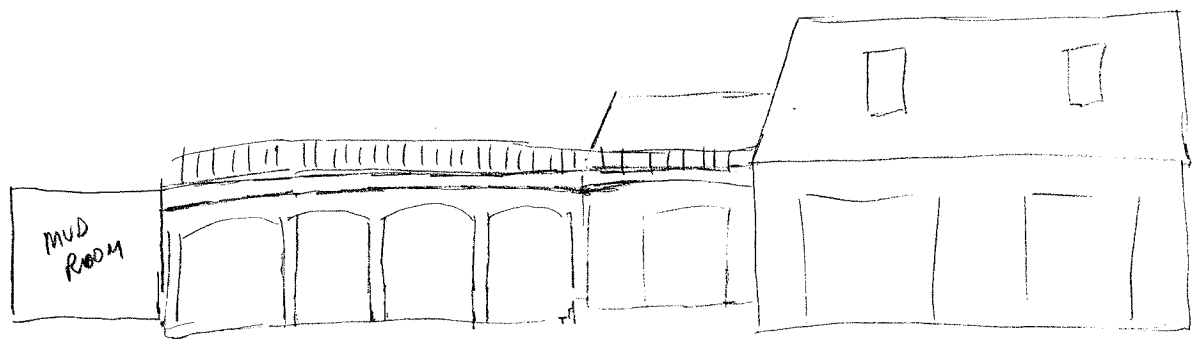
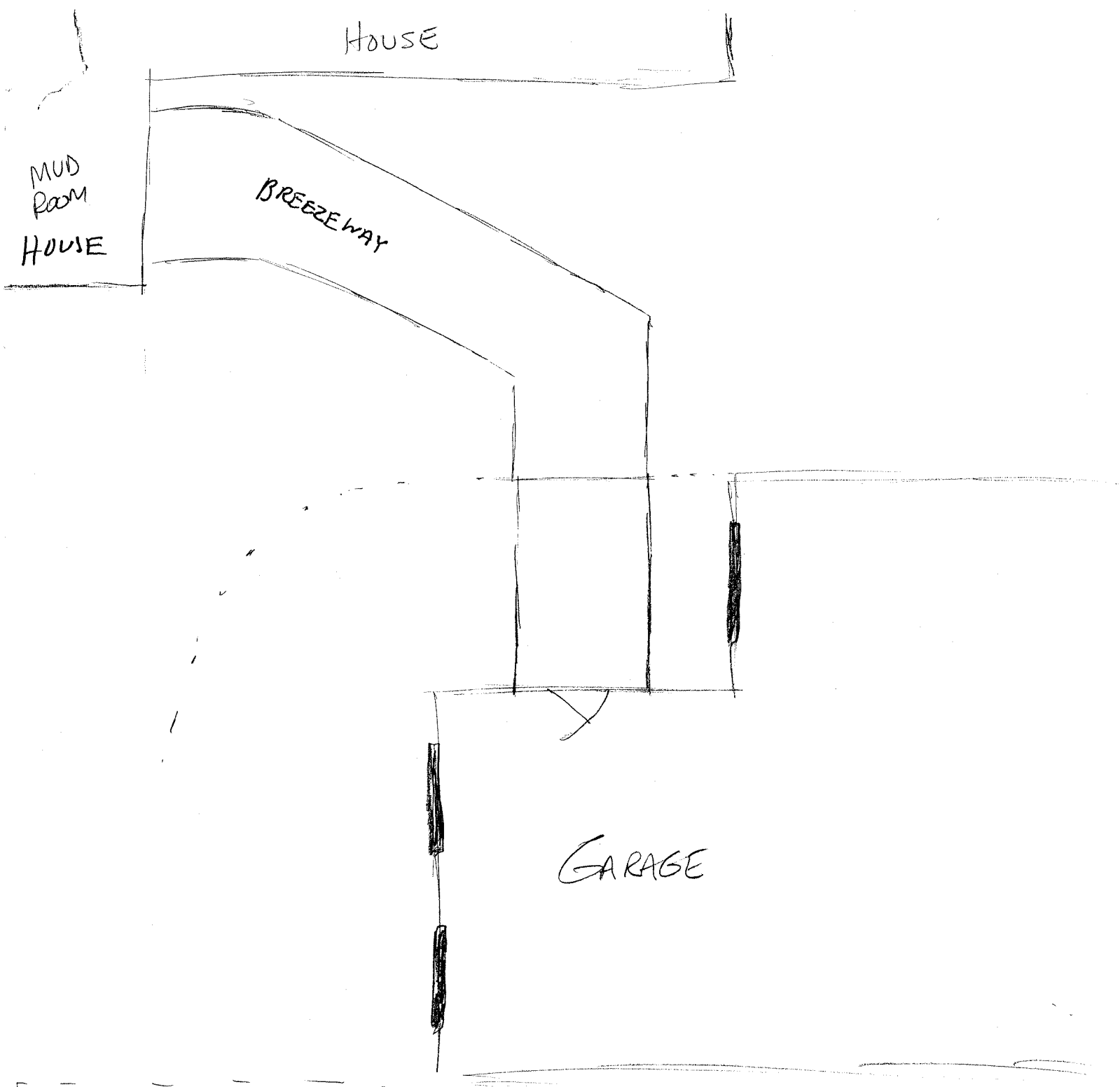
REQUEST:

A variance from Section 267-35, Table II, Residential/Conventional of the Harford County Code to allow for the construction of a covered breezeway from an existing three car garage to the Applicants' home. (See attached sketch). The Code requires a minimum side yard width of ¹⁵40 feet. with a total of 35'. The Applicants request a reduction of ¹⁰35 feet to maintain the existing side yard of 5 feet. (See site plan).

JUSTIFICATION:

The subject property is improved by a freestanding three car garage which was constructed within five feet of the adjacent side yard pursuant to a validly issued permit. The parents of one of the Applicants resides within the home and both parents are senior citizens who have medical problems restricting their mobility. The Applicants desire to make their home more handicap accessible and seek to connect their home with the existing freestanding garage situated immediately adjacent to the house. This structural connection is to be made via a breezeway which will provide protection from the weather and provide a level surface from the garage to the home.

The subject property is steeply sloping from the side yard and front yard. The only practical location for this breezeway is the location as shown on the plan. By reason of the uniqueness of the property and topographical conditions, the literal enforcement of the Code will result in practical difficulty and unreasonable hardship. Furthermore, the variance will not be substantially detrimental to adjacent properties and will not materially impair the purpose of the Code or the public interest.



SKETCH

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



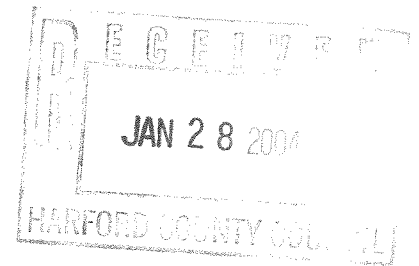
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 27, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5396

APPLICANT/OWNER: Scot M. Kaufman
303 Rhineforte Drive, Churchville, Maryland 21028

Co-APPLICANT/OWNER: Patricia D. Kaufman
303 Rhineforte Drive, Churchville, Maryland 21028

REPRESENTATIVE: Robert S. Lynch, Esquire
Stark and Keenan, P.A.
30 Office Street, Bel Air, Maryland 21014

LOCATION: 303 Rhineforte Drive – Campus Hills Farms
Tax Map: 42 / Grid: 2C / Parcel: 487 / Lot: 136
Election District: Third (3)

ACREAGE: 1.10 acres

ZONING: RR/Rural Residential

DATE FILED: December 22, 2003

HEARING DATE: February 11, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

See Attachment 1.

Preserving our values, protecting our future

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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Scot & Patricia Kaufman

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to allow an existing garage to be attached to the dwelling thereby reducing the 15-foot side yard setback to 5-foot in an RR/Rural Residential District, which requires approval by the Board of Appeals.

Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located east of the Campus Hills Shopping Center in the single-family residential development of Campus Hills Farms (Attachment 3). The Applicants' lot is situated on the east side of Rhineforte Drive, one lot north of Lady Ann Court. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 4 and 5).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural/AG Residential. Other land use designations in the area include a Neighborhood Center. The Natural Features Map reflects parks, stream buffer, and farms in Agricultural Preservation Programs. The subject property is located east of the Neighborhood Center in an area designated as Agricultural/AG Residential, which is defined by the 1996 Master Plan as:

Agricultural/AG Residential – Areas where agriculture is the primary land use. Where developments rights are available, residential development at a density of 1.0 dwelling unit for every 10 acres is possible. Commercial uses within this area are intended to serve the agriculture industry or residents of the area.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Resources Map (Attachments 6 and 7).

Land Use – Existing:

The existing land uses in this area of the County conform to the intent of the 1996 Master Plan. Residential development consists primarily of single-family dwellings. Institutional uses include churches, schools, parks and Harford Community College. Commercial uses include Campus Hill Shopping Center, service uses, restaurants and convenience stores. There are several large farms in the area. Enclosed with the report is a copy of the aerial photograph (Attachment 8).

The subject lot is approximately 1.10 acres in size and rectangular in shape. The topography of the property ranges from level to rolling. The front portion of the property slopes up from the

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Scot & Patricia Kaufman

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road to the front of the house where it is somewhat level. The lot also slopes downward from the right side to the left. The topography of the lot is typical for the area and is consistent with the other lots in the immediate neighborhood (Attachment 9). In the front yard is a large cluster of mature trees extending the full width of the lot along with ground cover and a landscaped garden area.

Improvements consist of a large two-story dwelling, a detached three-car garage located to the right of the dwelling, an in-ground pool and patio and decking to the rear of the dwelling. Located to the rear of the dwelling and to the left side of the lot is a frame utility building. The rear of the lot is fenced with a 6-foot solid board fence. To the right side of the house between the dwelling and garage there is construction of a room with a flat roof, and a concrete and stone walk with steps up to the blacktop leading to the detached garage. According to permits records (Attachment 10) several improvements have been made to the dwelling and property since 1988. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 11 and 12).

Zoning:

The zoning classifications in the area conform to the intent of the Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are areas of RR/Rural Residential representing existing developments. Commercial zoning includes B2/Community Business, B3/General Business and VB/Village Business districts. The property is zoned RR/Rural Residential as shown on the enclosed copy of the zoning map (Attachment 13).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to allow an existing garage to be attached to the dwelling thereby reducing the 15-foot side yard setback to 5-foot in an RR/Rural Residential District, which requires approval by the Board of Appeals.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants have made several improvements to the existing dwelling and property such as enclosing the garage originally attached to the dwelling and making it a family room, an in-ground pool, decking and patio, fencing and a shed. The Applicants now wish to construct a breezeway between the dwelling and the garage (Attachment 14). By connecting the garage to the dwelling with the breezeway, the garage will then become part of the principle structure and

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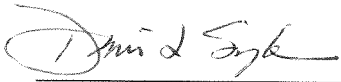
Scot & Patricia Kaufman

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is required by Code to meet the side yard setbacks of the principle structure. The proposal will reduce the required 15-foot setback to only 5-feet. This Department has reviewed the request and conducted a site inspection, and has determined that the property is not unique compared to other properties in the neighborhood.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of the Planning and Zoning does not find evidence sufficient to warrant the variance and therefore recommends to the Hearing Examiner that the request be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka